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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,227	11/26/2003	George Popescu	YOR920030529US1	9155

7590 06/24/2008  
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EXAMINER
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MURRAY, DANIEL C

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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06/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/723,227	POPESCU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Murray	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26NOV2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26NOV2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04MAR2004, 29NOV2006</u>                                      | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statements submitted on 04MAR2004 and 29NOV2006 have been considered by the Examiner and made of record in the application.
2. **Claim 21** is pending. **Claims 1-20** have been canceled by Applicant.

### *Drawings*

3. In figure 1 element 130, replace “sesstion” with --session-- in “dynamic session management program”.
4. The drawings are objected to because the two small blocks next to S1 in element 302 of figure 3 are unlabeled and are not referred to in the specification.
5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “Partition P1 (element 302) and partition P2 (element 304) are of communication interest to a client C1” (paragraph [0027] lines 5-6) as described in the specification.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: c2-c8, s11, s12, s13, c11, c12, c13, P3, P4, P6-P16, o2-o10 (paragraph [0025]), 502 (paragraph [0032] line 5).
7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “S1 and S2” have been used to designate both “server node” and “control node”.

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8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

[d1]X[d2], [d3]X[d4], [d5]X[d6], [D1]X[D2], [D3]X[D4], [D1, D2], [D3, D4], [d1, d2], [d3, d4], [D5, D6] (figure 8).

9. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

10. The disclosure is objected to because of the following informalities:

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- Page 6 paragraph [0025] line 4, both capital and lower case letters are used to designate elements within the disclosure (e.g. C11 and c12). The same naming convention should be used throughout the disclosure in order to maintain clarity. The disclosure should be revised in order to eliminate any inconsistencies in the reference characters.
- Page 6 paragraph [0025], This paragraph appears to be referring to figures 2 and 3. It is unclear what it is referring too and seems to be out of sequence with the rest of the specification.
- Page 8 paragraph [0030] line 1, delete “is” before “an application”
- Page 8 paragraph [0030] line 3, delete “are partitioned” before “in a space”.
- Page 8 paragraph [0031] lines 5-7, the sentence lacks clarity and needs revision.
- Page 17 paragraph [0061], replace “Receiver/sender” with --Join/leave-- to improve clarity and maintain consistency throughout the specification.

Appropriate correction is required.

11. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Filepp et al. (US Patent # 5,758,072)** in view of **Laiho et al. (US Patent # 6,097,942)** and in further view of **Curtis et al. (US Patent # 5,774,689)**.

a) Consider **claim 21**, Filepp et al. clearly show and disclose, a method for dynamic grouping of clients to support scalable group communications in interactive applications (abstract, column 1 lines 1-36), comprising: identifying an application having an application space (abstract, column 2 lines 52-64, column 5 lines 13-45, column 6 lines 20-25); identifying a plurality of clients of said application such that each client has a communication interest with said application (abstract, column 1 lines 33-36, column 2 lines 47-64, column 6

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lines 20-25); identifying a communication network that handles communications between said plurality of clients and said application and that includes network resources with network characteristics (abstract, column 21 lines 53-62, column 22 lines 48-52, column 23 lines 9-26 lines 44-46, column 24 lines 7-16); mapping said network resources based on said network characteristics to produce network map information (abstract, column 21 lines 53-62, column 22 lines 48-52, column 23 lines 9-26 lines 44-46, column 24 lines 7-16); partitioning said application space into a plurality of communication interest partitions, each partition of which represents a communication interest of at least one client of said plurality of clients (abstract, column 5 lines 13-45, column 6 lines 20-25); indexing the partitions and said network map information to form a multi-type attribute index structure (column 2 lines 47-51 lines 52-67, column 3 lines 1-30, column 5 lines 13-45, column 6 lines 20-25, column 72 lines 39-45 lines 52-56, column 75 lines 43-52); and forming a hierarchical structure that includes a parent node and at least one control node for communicating data to said plurality of clients wherein said parent node establishes a communication overlay that directs communications between said plurality of clients and said application (column 1 lines 33-36, column 3 lines 4-30). However, Filepp et al. does not specifically disclose grouping said plurality of clients based on their communication interest and on said multi-type attribute index structure, that said hierarchical structure is based on said attribute index structure and on the client groupings, or that parent node produces a membership list of clients having an interest in at least one communication interest partition, wherein said membership list of clients maps into communication groups to enable distributed communication between said plurality of clients and said application.

Laiho shows and discloses to providing services in a mobile communications network, and more particularly, to defining and updating such services based upon groupings

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of mobile subscribers wherein, a plurality of clients is grouped based on their communication interest and that a membership list of clients having an interest in at least one communication interest partition, wherein said membership list of clients maps into communication groups to enable distributed communication between said plurality of clients and said application (figure 2, abstract, column 2 lines 33-65).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Laiho into the system of Filepp et al. for the purpose of grouping clients based on services (i.e. communication interests). However, Laiho does not specifically disclose grouping clients based on a multi-type attribute index structure or that the structure is a hierarchical structure based on said attribute index structure and on the client groupings.

Curtis et al. show and disclose a provisioning system that enables the creation and management of assignable inventory for digital communication networks. The network configuration system of the present invention is able to logically and electrically configure infrastructure components (IFCs) without requiring a physical relationship for the assignment wherein, objects are grouped based on a multi-type attribute index structure or that the structure is a hierarchical structure based on said attribute index structure and on the client groupings (abstract, column 3 lines 64-67, column 4 lines 1-8 lines 34-44, column 7 lines 62-64, column 8 lines 13-19, column 9 lines 25-35).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Curtis et al. into the system of Filepp et al. as modified Laiho by for the purpose of grouping objects (i.e. applications), and therefore users associated with those objects, by attributes.



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***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- |                      |                      |
|----------------------|----------------------|
| ➤ 6,023,562          | ➤ US 2004/0068667 A1 |
| ➤ US 2003/0097438 A1 | ➤ US 6,330,602 B1    |
| ➤ 6,009,257          | ➤ 5,535,426          |
| ➤ US 2004/0030705 A1 | ➤ 5,968,121          |
| ➤ 5,457,797          | ➤ US 6,487,600 B1    |
| ➤ US 7,203,729 B2    | ➤ US 6,192,401 B1    |
| ➤ US 2002/0165934 A1 | ➤ US 2004/0218529 A1 |
| ➤ US 2002/0129135 A1 | ➤ US 2005/0083848 A1 |
| ➤ US 2003/0101278 A1 | ➤ US 2005/0010571 A1 |
| ➤ 5,828,843          | ➤ US 2006/0080438 A1 |
| ➤ 5,761,502          | ➤ US 2005/0076137 A1 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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OR CANADA) or 571-272-1000.

/Daniel Murray/  
Examiner, Art Unit 2143

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2154